



FACT SHEET

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Erratum

QUESTIONS & ANSWERS REGARDING PRIVATE WIRELESS LICENSEES' OBLIGATIONS UNDER SECTION 310(d) OF THE COMMUNICATIONS ACT OF 1934

This Erratum revises the Fact Sheet released on September 19, 2000, by the Investigations & Hearings Division of the Enforcement Bureau and the Public Safety & Private Wireless Division of the Wireless Telecommunications Bureau. *See Fact Sheet*, "Questions & Answers Regarding Private Wireless Licensees' Obligations Under Section 310(d) of the Communications Act of 1934" (released September 19, 2000).

Specifically, this Erratum revises the response to Question 3 of the Fact Sheet, to read as follows:

3. I have heard that all I have to do is file the application; then I'm free to consummate the transaction. Is this correct?

No. The FCC must authorize the assignment or transfer of control of the FCC-issued licenses. Thus, generally, for Private Wireless Services licensees, simply filing the application is insufficient. The parties must wait for the FCC *to grant* the application *prior* to closing or consummating the transaction. In addition, simply notifying the Commission of the change in name and/or address of the licensee-entity after the transaction has been consummated is not sufficient.

There is an exception that applies *only* to private wireless applicants seeking assignments or transfers of control of licenses for existing stations below 470 MHz or in the one-way paging 929-930 MHz band. 47 C.F.R. § 1.931(b)(11). Under this rule, such applicants may operate the existing station for a period of up to 180 days under a conditional permit which may commence upon the *filing* of a properly completed application that complies with all pertinent rule requirements. *See, e.g.*, 47 C.F.R. §§ 1.931(b)(11), 90.127, 90.175, 90.159(c). This conditional authority does not, however, limit any action that the Commission may take on the subject application, and if the Commission dismisses the application, conditional authority ceases immediately. Moreover, the Commission may modify or cancel the conditional authority at any time.

If an assignee or transferee's conditional authority cancels, authority reverts back to the original licensee. 47 C.F.R. § 90.159(d).

In addition, footnote 1 of the Fact Sheet is revised to read as follows:

This Fact Sheet is intended for information purposes only. Nothing herein is intended to supersede any provision of the Commission's rules, or to provide licensees with any additional rights. Parties contemplating assignment or transfer of control transactions should consult Section 310(d) of the Communications Act and the Commission's Rules well in advance of filing applications and/or consummating transactions involving changes in ownership.

Action by Chief, Investigations & Hearings of the Enforcement Bureau and the Chief, Public Safety & Private Wireless Division of the Wireless Telecommunications Bureau.